

Agreement to supply MOTORIZED WATER SPORTS CONCESSION**ORIGINAL  
DO NOT REMOVE  
FROM FILE**

This agreement, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between  
**CITY OF FORT LAUDERDALE**, a municipal corporation of Florida, City Hall, Fort Lauderdale, Florida 33301, hereinafter  
 called the "City."

- and -

Name of **CONTRACTOR**: Boucher Brothers Management, Inc.ADDRESS: 20971 NE 30 Court, Aventura, FL 33180

A Corporation: XX, A Partnership: \_\_\_\_\_, An Individual: \_\_\_\_\_, Other \_\_\_\_\_  
 authorized to do business in the State of Florida, hereinafter called the "Company."

Witnesseth that: Whereas, the City did advertise and issue an Invitation to Bid (ITB) for supplying the requirements of the  
 City for the items and/or service listed above for the period of one year  
 AND the Contractor submitted a bid which was accepted and approved by the City:

Formal authorization of this contract was adopted by the City Commission on (date) December 21, 1999 Pur-5.

Now, therefore, for and in consideration of the premises and the mutual covenants herein contained, the parties covenant  
 and agree as follows:

1. The Company agrees to sell to the City and the City agrees to buy from the Company, during the period beginning APRIL 10, 2000 <sup>4</sup> and ending APRIL 9, 2001 <sup>4</sup>  
~~December 31, 1999~~ ~~FEBRUARY 1, 2000~~ and ending ~~December 31, 2000~~ ~~FEBRUARY 1, 2001~~  
 for the requirements listed above and according to the following specifications, terms, covenants and conditions.

- a. The Legal Advertisement, Invitation to Bids containing general conditions, instructions to bidders, information for bidders, special conditions, specifications, addenda, and/or any other attachments forming a part of ITB No. 702-8195 and the Contractor's bid in response form a part of this contract and by reference are made a part hereof.
- b. In construing the rights and obligations between the parties, the order of priority in cases of conflict between the document shall be as follows:
  - 1) This contract Form G-110, Rev. 1/96.
  - 2) The City's ITB and all addenda thereto.
  - 3) Contractor's bid in response to the City/s ITB.
- c. **Warranty:** The Company by executing this contract embodying the terms herein warrants that the product and/or service that is supplied to the City shall remain fully in accord with the specifications and be of the highest quality. In the event any product and/or service as supplied to the City is found to be defective or does not conform to specifications the City reserves the right to cancel that order upon written notice to the Contractor and to adjust billing accordingly.
- d. **Cancellation:** The City may cancel this contract upon notice in writing should the Contractor fail to reasonably perform the service of furnishing the products or services as specified herein and/or upon 30 days written notice. This applies to all items of goods or services.
- e. **Taxes Exempt:** State Sales and Federal Excise Taxes are exempted.
- f. **Invoicing:** Contractor will forward invoices in duplicate for payment to the Finance Department, 100 North Andrews Avenue, Fort Lauderdale, Florida 33301. If discount (other than prompt payment terms applies, such discount MUST appear on the invoices.

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DO NOT REMOVE  
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2. **Contract Special Conditions.** The following special conditions are made a part of and modify the standard provisions contained in this contract Form G-110.

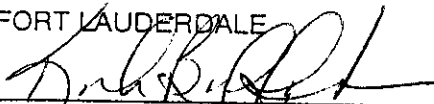
3. **Contract Summary:**

- a. Attachments Vendor's proposal, blank copy of specifications, Addenda 1,2,3,4
- b. Payment Terms Per RFP
- c. Delivery Per RFP
- d. Quantities Per RFP
- e. Insurance Yes XX No
- f. Performance Bond/Letter of Credit Yes XX No
- g. Class Item
- h. Procurement Specialist Initials RWE


4. Contractor's Phone Number: (305) 535-8177

Contractor's FAX Number: (305) 538-3288

CITY OF FORT LAUDERDALE

By   
Purchasing Manager (City Manager's Designee)  
Auth.: Sec. 2-45.1 of Code & CM Memo 84-299.

Date 4/15/02

By   
Assistant City Attorney (Approved as to form)

Date 2/21/00

VENDOR COMPANY

MICHAEL BOCHER BY  Date 1/24/2000  
Name of Company Officer (please print) Authorized Officer's Signature

VICE - PRESIDENT  
Title (please print)

## PROPOSAL SIGNATURE PAGE

TO: The City of Fort Lauderdale

The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the RFP. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the City and such acceptance covers all terms, conditions, and specifications of this proposal.

Proposal submitted by:

Name (printed) MICHAEL BOUCHER Title: VICE President

Company: (Legal Registered) BOUCHER BROTHERS MANAGEMENT, INC.

Address: 20971 NE 30<sup>th</sup> COURT

City AVENTURA State: FLA Zip 33180

Telephone No. <sup>305</sup> 535 8177 FAX No. 305 - 538-3288

Signature:  Date: \_\_\_\_\_

ORIGINAL  
BID

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in his proposal:

Addendum No. 4 Date Issued OCTOBER 11, 1999

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of RFP, attachments or proposal pages. No variations or exceptions by the Proposer will be deemed to be part of the proposal submitted unless such variation or exception is listed and contained within the proposal documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your proposal complies with the full scope of this RFP.

Variances:

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**PROPOSAL PAGES PART I - FINANCIAL PROPOSAL  
FOR NON MOTORIZED WATER SPORTS CONCESSION**

ANNUAL CONCESSION FEE PAYABLE TO THE CITY, to be paid in equal quarterly payments in advance:

Annual Concession FEE First Contract Year: \$ 12,000.00  
(minimum acceptable to the City is \$4,000.00)

List below all equipment that will be utilized for the concession and their current value. List all rental equipment (code with an R), the Chase/tow vessels(s) (code with a C), and accessory equipment such as trucks trailers etc (code with an A)

<u>Description</u>	<u>Qty.</u>	<u>Total Value</u>
R) YAMAHA WAVERUNNER 3 XL 700	6	\$ 33,000.00
C) YAMAHA WAVERUNNER 3 XL 700 CHASE WAVERUNNER	1	\$ 5,500.00
(49) FORD RANGER TRUCK 4x4	1	\$ 25,000.00
A) WAVERUNNER TRAILERS	3	\$ 2,400.00
A) BOYES	8	\$ 320.00
A) MOORINGS	8	\$ 160.00
A) LIFE JACKETS	20	\$ 800.00
A) REMOVABLE BUSINESS STAND	1	\$ 8,000.00
A) OVERNIGHT STORAGE	1	\$ 1,500.00
R) 28 FT DEO VOLETNPE PARASAIL BOAT	1	\$ 75,000.00
		\$
		\$

(use additional sheets if necessary)

## PROPOSAL PAGES PART II - MOTORIZED CONCESSION TECHNICAL PROPOSAL

The following issues should be fully responded to in your proposal in concise narrative form. Additional sheets should be used, but they should reference each issue and be presented in the same order.

- I. Understanding of the City's needs for the concession and your overall approach to those needs.
  
- II. Your proposed operational plan to include:
  - Central theme of the concession.
  - Concession Marketing plans.
  - Days and hours of operation.
  - Management plans and staffing levels.
  - Plans for maintenance, waste collection and security.
  - Renter safety instruction plans.
  - Any other information you feel will assist the City in evaluating your proposal.
  
- III. List below your proposed rental rates for the initial contract year. Describe equipment and list proposed rates for an hour, more than an hour, half day or day etc.

<u>Description</u>	<u>Period</u>	<u>Rental Rate</u>	
YAMAHA WAVERUNNERS XL 700	1/2 Hour	\$ 55.00	
YAMAHA WAVERUNNERS XL 700	1/2 Hour	\$ 60.00	2 INDIVIDUALS
YAMAHA WAVERUNNERS XL 700	1 Hour	\$ 110.00	
YAMAHA WAVERUNNERS XL 700	1 Hour	\$ 120.00	2 INDIVIDUALS
PARASAIL RIDES 20 min	400 FT	\$ 60.00	
	800 FT	\$ 70.00	
	1200 FT	\$ 80.00	
		\$	
		\$	
		\$	
		\$	
		\$	

(Use additional sheets if necessary)

- IV. How many calendar days from contract award would you need prior to initiating operations?  

30 Days

### PROPOSAL PAGES PART III QUESTIONNAIRE

Number of years experience the proposer has had in providing similar services:

11 years

List below those persons who will have a management or supervisory position in the concession, if you are awarded the contract. List name, title or position, and project duties. A resume or summary of experience and qualifications must accompany your proposal.

MICHAEL BOUCHER - VICE PRESIDENT BOUCHER BROTHERS MGT INC -  
OVER 11 YEARS OF WATERSPORTS MANAGEMENT - HAS MANAGED  
15 DIFFERENT WATERSPORT LOCATION - CURRENTLY OVERSEES  
50 EMPLOYEES IN SIX WATERSPORT LOCATIONS IN DADE COUNTY  
BOUCHER BROTHERS MANAGEMENT HAS OVER SEVENTY EMPLOYEES  
TO OFFER SUPERVISORY POSITIONS AT THE LOCATION.

List all clients for whom you have provided similar services in the last three years. Provide agency name, address, telephone number, contact person, and date service was provided. If services provided differs from the one presented in your proposal, please delineate such differences.

FONTAINEBLEAU HILTON - MIAMI BEACH - 305 538-2000 SID HASAN (GM)  
TURNBERRY ISLE CLUB - SUNNY ISLE BEACH - 305 932-6200 SHEL EISENBERG (GM)  
LOEWS HOTEL - MIAMI BEACH - 305 604-0674 LANCE HERMAN (GM)  
HOLIDAY INN SOUTH BEACH - 305 534-1511 - CLAIRE CALLAN (OWNER)  
WILLIAMS ISLAND BEACH CLUB - SUNNY ISLE BEACH - 305-651-5100 (MR TRUMP OWNER)  
SUNCOMBER SOUTH BEACH - MIAMI BEACH - 305 532-2854 MR. MARTIN (GM)

List those City of Fort Lauderdale agencies with which the proposer has had contracts or agreements during the past three (3) years:  $\phi$

Lawsuits (any) pending or completed involving the corporation, partnership or individuals with more than ten percent (10%) interest:  $\phi$

a. List all pending lawsuits which are concerned directly with the staff or part of your organization proposed for the contract:  $\phi$

b. List all judgments from lawsuits in the last 5 years which are concerned directly with the staff or part of your organization proposed for the contract.  $\phi$

Attach a Balance Sheet and Statement of Profit and Loss of the proposing firm from the preceding calendar or fiscal year, certified by either an appropriate Corporate Officer, or an independent Certified Public Accountant. If proposing firm is a privately held corporation, providing such records, for City review, at a time and place convenient to the City, will satisfy this requirement. If the proposing firm is a newly formed corporate entity, the City may require a personal guarantee of performance by principals or stockholders.

The proposer understands that the information contained in these Proposal Pages is to be relied upon by the City in awarding the proposed Agreement, and such information is warranted by the proposer to be true. The proposer agrees to furnish such additional information, prior to acceptance of any proposal, relating to the qualifications of the proposer, as may be required by the City.

**PROPOSER PLEASE INSURE THAT YOU HAVE SIGNED THE SIGNATURE PAGE OF THESE PROPOSAL PAGES. OMISSION OF A SIGNATURE ON THAT PAGE COULD RESULT IN REJECTION OF YOUR PROPOSAL**

**COMPLETE AND RETURN THE REQUIRED NUMBER OF PROPOSAL PAGES AND ATTACHMENTS.**

**PROPOSAL IDENTIFICATION:** Please indicate on the face of your sealed proposal package the following:

RFP NO. 702-8195 Beach Motorized Watercraft Concessions OPENS 08/26/99

Wtrcraft Conc

**BOUCHER BROTHERS MANAGEMENT, INC.**  
**"A Pool, Beach and Water Sports Management Company"**

Understanding of the city's needs for the concession and our approach to those needs:

Boucher Brothers Management Inc. understands the need for motorized water sports on Ft. Lauderdale beach. Our company has watched Fort Lauderdale grow and mature just like Miami Beach has in the past five to seven years. We understand the city must offer different services to the tourist to keep the tourism strong in Ft. Lauderdale for years to come. Boucher Brothers Management Inc. understands the concerns the city might have with all aspects of a water sports rental concession. The Boucher Brothers want the city to be comfortable knowing that our company is servicing their tourist and Fort Lauderdale's local patrons in a professional and safe manner.

**Operation Plan:**

Boucher Brothers Management Inc. will bring to the city of Fort Lauderdale 11 years of successful water sports experience. We have learned how to keep our customers thrilled with our service through commitment, dedication and a promotion of a high spirited environment. Boucher Brothers Management Inc. plans on marketing throughout the city of Fort Lauderdale. We will work with surrounding Hotels to create a water sports activity center for our tourist to enjoy. Our company will also join the Fort Lauderdale Chamber of Commerce.

Boucher Brothers will operate 7 days a week 52 weeks a year. Our hours of operation will be from 10: 00 AM to 6:00 PM [weather permitting]. Boucher brothers average staff tenure is five years. We adhere to drug testing, dress codes; haircut codes CPR training and offers a college reimbursement program. Our company with over seventy employees will have no problems choosing qualified experienced employees to manage a successful waters ports concession for the city of Fort Lauderdale. Our staff will be at least two employees at all times during our working hours. Boucher Brothers looks to protect our rental customer and the city Fort Lauderdale by adhering to strict safety program. Our personnel will evaluate water and weather conditions to ensure the ride experience is a safe one. Due to our strong safety program Our Company has not had a serious accident in 11 years of watersport business. We also rent only new, high performance equipment, which the Boucher Brothers repurchase every 10 to 12 Months  
Please look up our company on the web site [www.boucher brothers.com](http://www.boucherbrothers.com). We look forward to doing business with the city of Fort Lauderdale.

20971 NE 30th COURT

AVENTURA, FLORIDA 33180

MAIN OFFICE (305)535-8177 / (305)933-3776

S. BEACH OFFICES (305)794-1193 / (786)489-2388    N. BEACH OFFICES (305)794-0445 / (305)934-9959  
FAX #'S (305)933-9394 / (305)538-3288    E MAIL: Boubros4@AOL.COM

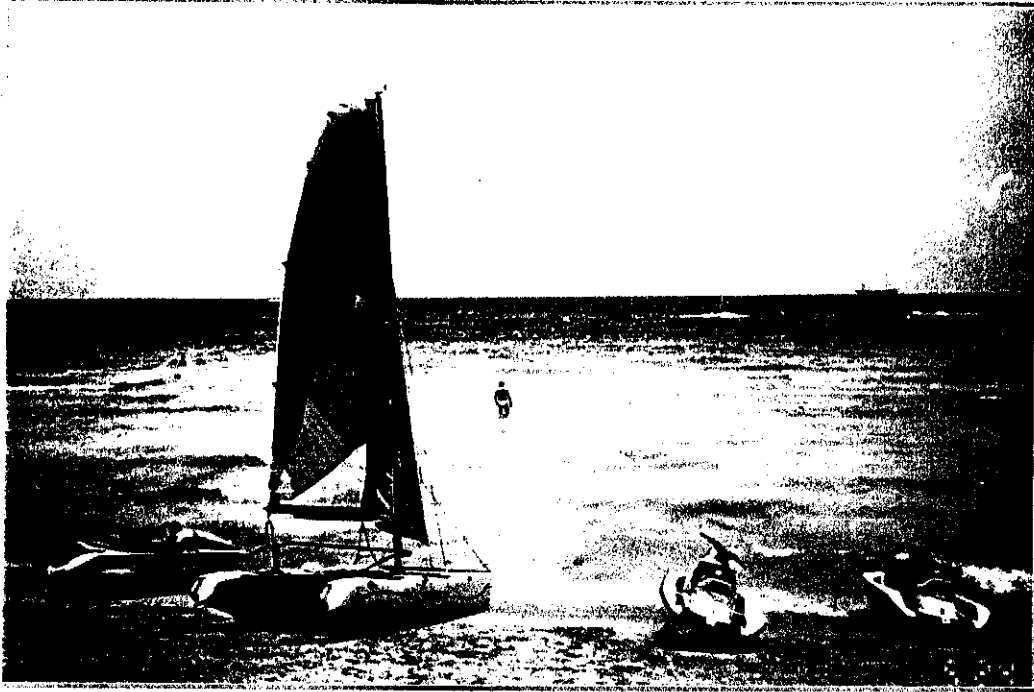
# Boucher Brothers Pool Beach & WaterSports Management



Boucher Brothers has successfully managed the outdoor activities for resorts, hotels, motels and marinas for more than a decade. Boucher Brothers manages all watersports activities and equipment including waverunners, parasailing, sailboats, kayaks, paddleboats, bananaboats, hydrosleds, boogieboards, and snorkel gear among others. Pool deck and beach management, with rentals of chairs, umbrellas, cabanas, and towels are also core services. Conventions and group activities as well as sales of lotions and skin care consulting are our specialty areas. Our proven methods and vast experience assures that all your guests will be treated in a first class manner, enhancing their experience at your resort. Our focus is on making your resort operate more smoothly with more satisfied guests. With the help of Boucher Brothers Management your location can be the best and safest in the industry.

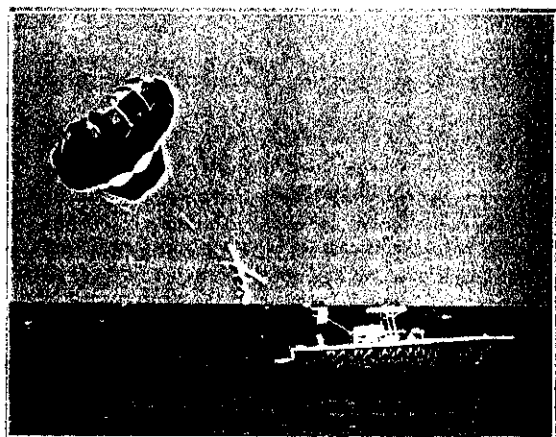
# Boucher Brothers Water Sports

Your guests are in experienced hands that will ensure that the watersports experience is fun, exciting and safe. Boucher Brothers offer:



## Varied Equipment Offering

To make the guest experience fun, safe and exciting, Boucher Brothers offers a variety of equipment, including Waverunners/Jetskis, Parasails, Sailboats/Hobie Cats, and other personal watercraft. We also offer windsurfers, bananaboats, kayaks, inflatable-boats, snorkeling equipment, hydrosleds, innertubes and boogie boards. We will work with your property to identify the proper mix of aquatic equipment.



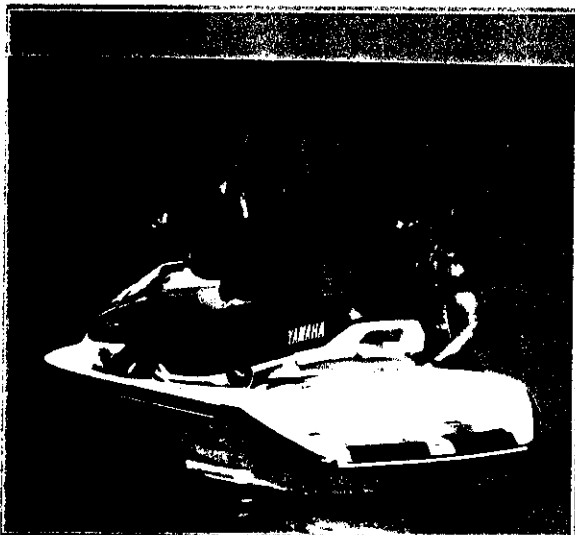
## New Equipment

Everyone wants to use high performance, new equipment that is functioning well. To enhance the guest experience, Boucher Brothers is committed to offering your guests new equipment that is always safe and in good working condition.



## Water Sports Safety

To properly protect your guests and your property, every rental customer will be given a safety review including allowable riding areas and features of the craft. Also, our personnel will evaluate water and weather conditions to ensure that the ride experience is a safe one. Due to our strong safety program, NO SERIOUS ACCIDENTS HAVE OCCURRED IN 11 YEARS OF BUSINESS.



RFP NO. 702-8195 BEACH MOTORIZED WATERCRAFT CONCESSIONS OPENS 10/28/99

ORIGINAL  
BID



CITY OF  
FORT LAUDERDALE

*Union of Americans*

Purchasing Division

(954) 761-5140

**ITB 702 – 8195, Motorized Watercraft Concession for Fort Lauderdale Beach**

**ADDENDUM NO. 1**

ISSUED July 30, 1999



**This addendum is issued to clarify the date and time of the Pre-Proposal Conference.**

A pre-proposal conference will be held at **2:00** on August 12, 1999 in the Parks and Recreation Conference Room, 1350 W. Broward Blvd., Ft. Lauderdale, FL.

If you have any questions, or need directions, contact Richard Ewell, Procurement Specialist II, at 954-761-5138.

All other terms and conditions remain the same.

This addendum should be acknowledged and included with your bid response.

  
Richard Ewell, CPPB   
Procurement Specialist II 7/30/99

Acknowledgement of Proposer

Date

**RFP 702-8195, Motorized Watercraft Rental Concession**

**ADDENDUM NO. 2**


ISSUED August 23, 1999

**This addendum is issued to change the RFP opening date.**

PROPOSAL DUE (Prior to 2:00 PM): **9/30/99**

A second addendum will be issued addressing the issues brought up in the pre-proposal conference. All other terms and conditions remain the same.

This addendum should be acknowledged and included with your bid response.

  
Richard Ewell, CPPB  
Procurement Specialist II

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Acknowledgement of Proposer

Date



CITY OF  
FORT LAUDERDALE

*Division of America*

Purchasing Division

(954) 761-5140

**RFP 702-8195, Motorized Watercraft Rental Concession**

**ADDENDUM NO. 3**

ISSUED September 29, 1999

**This addendum is issued to change the RFP opening date.**

PROPOSAL DUE (Prior to 2:00 PM): **10/28/99**

A separate addendum will be issued addressing the issues brought up in the pre-proposal conference. All other terms and conditions remain the same.

This addendum should be acknowledged and included with your bid response.

Richard Ewell, CPPB  
Procurement Specialist II

Acknowledgement of Proposer

Date



**RFP 702-8195, Motorized Watercraft Rental Concession**

**ADDENDUM NO. 4**

ISSUED October 11, 1999

1. Page 2, Section 06, PROPOSAL SECURITY, is changed to read as follows:

"Each proposal shall be accompanied by RFP security in the form of Cashier's Check or Surety Bond payable to the City of Fort Lauderdale, and shall be in the amount equal to five percent (5%) of the first years..."

Cash will not be accepted.

2. Page 2, Section 07, PERFORMANCE BOND/IRREVOCABLE LETTER OF CREDIT, is changed to read as follows:

"The Contractor will execute and deliver to the City, within thirty (30) days after notification of award, a Performance Bond or Unconditional Irrevocable Letter of Credit payable to the City, ....."

Cash will not be accepted.

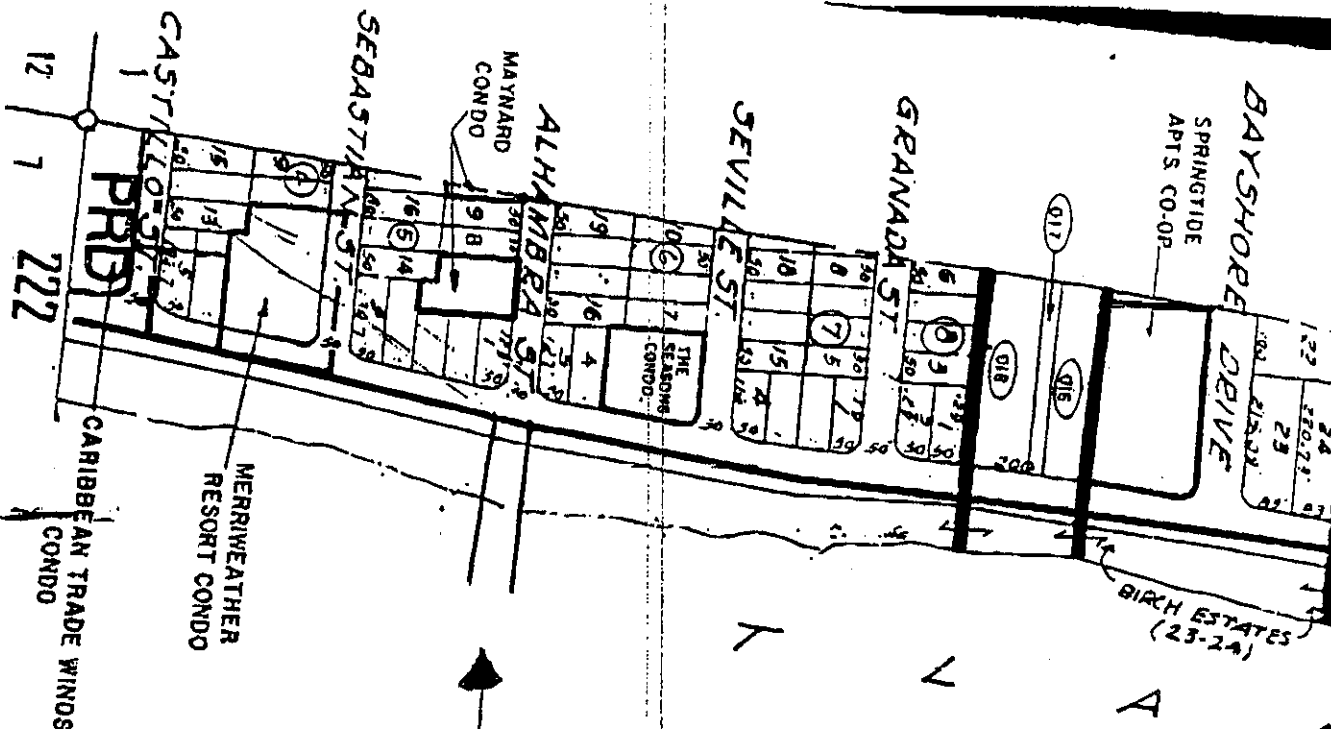
3. Page 15, section 02, the description for the proposed concession area is changed to read as follows:

It is the intent of these specifications to grant to the Concessionaire, the right to develop and operate a beachfront concession operation for the rental of motorized water recreational equipment at the City of Fort Lauderdale's beach location east of Alhambra Street.

The legal description for the proposed concession area is changed to the following:

**A PORTION OF SECTION 7 TOWNSHIP 50 SOUTH, RANGE 43 EAST  
BOUNDED AS FOLLOWS:**

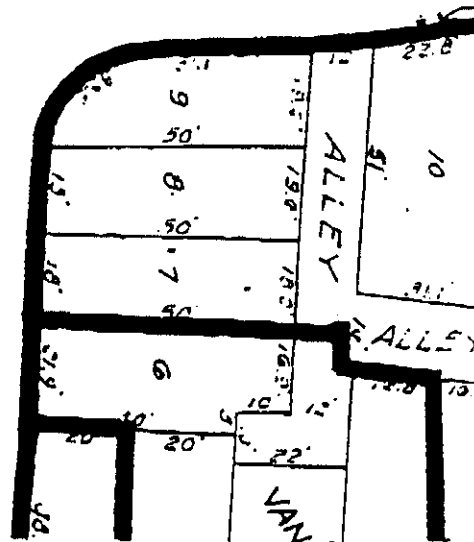
**ON THE NORTH BY A LINE 75 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE EASTERN PROJECTION OF THE CENTERLINE OF ALHAMBRA STREET; ON THE WEST BY A LINE 35 FEET EAST OF THE EAST RIGHT OF WAY LINE OF ATLANTIC BOULEVARD (STATE ROAD A1A); ON THE SOUTH BY A LINE 75 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE EASTERLY PROJECTION OF THE CENTERLINE OF ALHAMBRA STREET AND ON THE EAST BY ALL AS SHOWN ON BROWARD COUNTY RECORDS**



Proposed concession area

Birch Oceanfront Sub 19-26 B

All Block A



REVISD ATTACHMENT "C"

INSERT "1"